

ORDINANCE NO. 97-155

**GRANTING A FRANCHISE TO ALABAMA GAS
CORPORATION, ITS SUCCESSORS AND
ASSIGNS, IN THE TOWN OF BROOKWOOD, ALABAMA**

BE IT ORDAINED BY THE Mayor and the Town Council of the Town of Brookwood, Alabama, as follows:

Section 1. In consideration of the benefits to accrue to said Town of Brookwood, Alabama, (hereinafter called the "Town") and the inhabitants thereof, Alabama Gas Corporation, its successors and assigns (hereinafter called the "Company"), is hereby given, granted and vested with the rights, authority, privileges and franchises hereinafter set forth.

Section 2. The Company is hereby given, granted and vested with the right, authority, privilege and franchise to construct, own, maintain, operate, extend and enlarge in the Town a plant or system for the manufacture, transmission, distribution and sale of gas for all purposes whatsoever in the Town and to the inhabitants thereof and in the territory contiguous thereto; and the consent of the Town acting through the Mayor and the Town Council, who are the proper authorities of the Town is hereby given to the Company to use the streets, avenues, alleys, ways, bridges and public places in said Town for any and all of the purposes referred to in this Ordinance.

Section 3. The Company is hereby granted and vested with the right, privilege and franchise to construct, erect, lay, install, renew, repair, maintain, operate, use and extend at any time, without the formality of a permit and without paying any fee

therefore, its mains, conduits, appliances, appurtenances and fixtures under, along and across any street, avenue, alley, bridge, viaduct, underpass, or public place in the Town.

Section 4. The said mains, pipes, conduits, appliances, appurtenances and fixtures shall be so laid, set or constructed as not to interfere with the proper use of the streets, avenues, alleys, ways, bridges, viaducts, underpasses, and public places in the Town, and shall be maintained in reasonably good condition and repair, and to that end the Company shall abide by all ordinances and resolutions that have been or may be adopted by the governing body of the Town.

Section 5. Whenever the Company shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges, viaducts, underpasses, or public places of the Town for the purpose of laying, setting, maintaining, operating or repairing any mains, pipes, conduits, appliances, appurtenances or fixtures the work shall be completed within a reasonable time, upon the completion of such work, restore such portion of the streets, avenues, alleys, ways, bridges or public places to as good condition as it was before the opening or alteration was made. Further, unless the Company's representative determines that it is not feasible, the Company shall bore under all paved surfaces, paved roadways, and paved private drives when installing, repairing, or replacing gas lines.

Section 6. The Company shall hold the Town harmless and fully indemnify the Town of Brookwood officers, agents and employees from any and all liability or damages resulting from the negligence of the Company in the construction, maintenance or operation of said mains, pipes, conduits, appliances, appurtenances and fixtures.

Section 7. The Company shall have the power and authority, subject to the supervision of the Alabama Public Service Commission or other duly constituted governmental authority vested with the power now vested in the Alabama Public Service Commission to supervise and regulate public utilities in the State of Alabama, to make, adopt and enforce rates rules and regulations for the furnishing of gas and for the reasonable operation of its plant and system and shall have the right at all reasonable hours to have access to its gas pipes and the meters of any consumer for the purpose of making repairs and other proper purposes.

Section 8. The duration of this franchise shall be for a period of thirty years (30) from the date of its adoption by the Mayor and the Town Council.

Section 9. This Ordinance shall be published in accordance with the applicable provisions of Section 11-45-8 of the Code of Alabama (1975). Such publication shall be done by the Town Clerk of the Town and thereafter the Town Clerk shall enter upon the minutes of the Town, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the

laws of the State of Alabama. The expense of such publication shall be paid by the Company.

Section 10. Upon filing by the Company with the Clerk of the Town of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the Town and the Company and their respective successors and assigns.

Section 11. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the Town and then held by Alabama Gas Corporation covering the distribution of gas in the Town and territory contiguous thereto.

PASSED, ADOPTED AND APPROVED this 20 day of May, 1997.

BROOKWOOD TOWN COUNCIL

BY: Atton C. Nyche
Mayor

ATTEST:

Linda Barger
Town Clerk

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: July 6, 1998.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

I hereby certify that the above and foregoing Ordinance was posted on the 21 day of May, 1997, at the following locations:

1. Town Hall
2. Henry
3. Williabe
4. Quincy

Linda Barger
Town Clerk